



PATENT
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Koichi NAGAKI

Application No.: 09/734,678

Filed: December 13, 2000

For: NAVIGATION SYSTEM

Group Art Unit: 3661

Examiner: D. Tran

Commissioner for Patents
Washington, D.C. 20231

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Sir:

RESPONSE AND REQUEST FOR RECONSIDERATION

In response to the Office Action dated December 3, 2001 (Paper No. 3), the period of response to which extends through March 4, 2002 (March 3, 2002 being a Sunday), reconsideration and withdrawal of the rejections set forth in the pending Office Action are respectfully requested.

The Rejections under 35 U.S.C. § 103(a)

In the Office Action dated December 3, 2001, claims 1, 4, and 8 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,230,098 to Ando et al. (hereinafter "Ando") in view of U.S. Patent No. 6,125,367 to NA. Claims 9-11, 14-15, and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ando in view of U.S. Patent No. 5,680,640 to Ofek et al. (hereinafter "Ofek"). Claims 2 and 5-6 stand rejected

under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ando and NA and further in view of Ofek. Finally, claims 3, 7, 12-13, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ando, NA, and Ofek, and further in view of U.S. Patent No. 6,246,958 to Hirono. These rejections are respectfully traversed for the following reasons.

Independent claim 1

Independent claim 1 is rejected under 35 U.S.C. § 103(a) over the combination of Ando in view of NA. With regard to independent claim 1, Applicant respectfully submits that the applied references do not teach or suggest the claimed navigation system combination including at least “a plurality of memory devices each capable of reading out map data which is recorded therein” and “a map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition”.

The Office Action concedes at page 2 that Ando does not “clearly mention a plurality of memory device[s]”. However, NA is then applied as allegedly teaching “a plurality of memory device[s] each capable of reading out map data (see the abstract; and columns 2-3, lines 40-9), and a map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition, and reading out the map data required for the navigation operation (see columns 4-5, lines 43-49).” The Office Action’s interpretation of NA is traversed for at least the following reasons.

NA discloses a map data base management system, shown generally, for example, in Fig.

1. This arrangement includes a map data base storage unit 11 that stores map data. The system includes a map management unit 13, which manages the data stored in the storage unit 11. First and second storage units 14 and 15 are also provided in the system. The first storage unit 14 stores a program for managing the map data base. The second storage unit stores a map index

file. While this arrangement discloses a plurality of storage areas for map management and map indexing data, only the map data base storage unit 11 stores the actual map data. Accordingly, Applicant respectfully submits that NA fails to cure the deficiencies of Ando at least because it does not teach or suggest a plurality of memory devices having map data stored therein as claimed.

As discussed at least at pages 3-4 of the instant specification, the navigation system arrangement of the instant invention provides a plurality of memory devices, each of which stores map data and is capable of reading out the stored map data. The navigation system can access the optimum memory device depending on a predetermined condition, as recited in claim 1, from among the plurality of memory devices to ensure proper navigation operation. See also page 34, line 15- page 35, line 3; and page 40, line 25 to page 41, line 3.

Independent claims 9 and 17

Independent claims 9 and 17 are rejected under 35 U.S.C. § 103(a) over the combination of Ando and Ofek. With regard to independent claims 9 and 17, Applicant respectfully submits that the applied references do not teach or suggest the claimed navigation system combination including at least the first and second memory devices, each capable of reading out map data which is recorded therein and a map data reading device for accessing one of the memory devices, which is selected in accordance with a predetermined condition (claim 9), or differential management information (claim 17), and reading out map data therefrom. The Office Action concedes at page 3 that Ando does not “clearly mention a first and second memory device”. However, Ofek is then applied as allegedly teaching the missing limitations. The Office Action’s interpretation of Ofek is traversed for at least the following reasons.

Ofek is directed to a system for migrating data between first and second data storage systems while the database is open and in real-time, allegedly completely transparent to the host or data processing unit. Such a system helps to ensure that a data processing center of a business or organization such as banks, airlines, and insurance companies, are able to continually access data, even during the upgrading of the data storage systems. While Ofek discusses “map data,” it is referring to indexing of data within a database, but not “map data” as contemplated by the instant invention with regard to a geographical map used in a navigation system.

The instant invention, on the other hand, as recited in at least claims 9 and 17, provides a navigation system combination including first and second memory devices, each capable of reading out map data which is recorded therein. Further, the map data is read by a “map data reading device” from one of these memory devices. The appropriate memory device is selected depending on a predetermined condition. Accordingly, Applicant respectfully submits that Ofek does not cure the deficiencies of Ando with regard to independent claims 9 and 17.

In view of the above discussion, Applicant respectfully submits that the applied references, whether taken separately, or in any combination with each other, fail to teach or suggest at least the particularly-recited features of independent claims 1, 9 and 17. Accordingly, for at least the foregoing reasons, independent claims 1, 9 and 17 are in condition for allowance. Withdrawal of the rejections under 35 U.S.C. § 103(a) is respectfully requested. Moreover, claims 2-8 are dependent on independent claim 1 and claims 10-16 are dependent on independent claim 9. These dependent claims are thus allowable for at least the same reasons as their respective independent claims.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration of this application, withdrawal of all rejections, and the timely allowance of all pending claims 1-17.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants undersigned representative to expedite the prosecution.

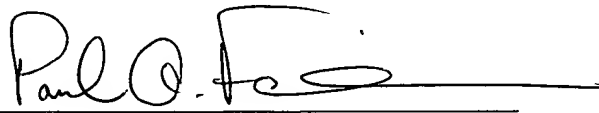
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: March 4, 2002

By:



Paul A. Fournier
Registration No. 41,023

Customer No. 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
Tel: 202-739-3000
Fax: 202-739-3001